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SERIES V.

UNDER THE SUPERVISION OF THE DEPARTMENT OF HISTORY.

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PREFACE.

The "Historical Papers" of the Trinity College Historical Society were discontinued in 1902 when *The South Atlantic Quarterly* was established. Recently, however, it has been decided that there ought to be some ready receptacle for really worthy papers prepared by members of the Society aside from a journal like *The Quarterly*, and for this reason it has been deemed advisable to revive the "Historical Papers." The present series—the fifth—will be followed by annual installments in the future, till the Society is able to begin the publication of a quarterly journal of its own, for which enterprise it is making plans.

Historical Papers.

SERIES 5.

"THE PHILOSOPHY OF HUMAN HISTORY." *

BY REV. T. F. MARR, OF THE WESTERN N. C. CONFERENCE.

I shall not devote this hour to the study of any special phase of our religious, social or political life. There is no want of discussion, more or less profound, on all these topics. I will not take up your time in the rehearsal of what is perhaps more familiar to you than to myself. I shall offer some general reflections on the destiny of the human race, or The Philosophy of History. This is a subject with which all thoughtful persons are concerned.

We can do no better than adopt the following clear, concise definition of our subject given by Mr. Flint. Mr. Flint says: "The philosophy of history is not a something separate from the facts of history, but a something contained in them. The more a man gets into the meaning of them the more he gets into the meaning of it, and it into him; for it is simply the meaning, the rational interpretation, the knowledge of the true nature and essential relation of the facts." When you have learned the causes producing and giving character to an epoch and the end toward which it tends you have come to understand its philosophy. All history has a philosophy because events are always connected by some principle of final causation. Therefore, to know the meaning of history is to understand

*An address made at the Civic Celebration of the Trinity College Historical Society, February 22, 1900.

its philosophy also. A clear understanding of the significance of its facts constitutes the chief value to be derived from the study of history. History is to the human race what biography is to the individual. "Humanity is the man of history." But this is a biography which cannot be written until the world's historical life has reached its close. At present, the life of humanity is in its flow, and we are in the midst of it flowing on in the stream of the ages. The past is behind us, the present is around us, and the future lies undeveloped before us. We are somewhat in the position of a soldier on the field of battle, ignorant of the commander's plan, and from our position incapable of knowing what has taken place or how the fight is likely to issue. But while this is true, there is an important sense in which we are spectators, and in the light of reason and revelation have grounds for the philosophical criticism of human history.

If we consider the nature and capacities of man, we will be forced to the conclusion that he is destined for a state of ideal perfection—in other words, a truly rational life—a life of moral freedom, justice, goodness and love. According to the absolute determinations of reason, advancement toward this ideal constitutes the only worthy conception of human progress. Earth's noblest souls in all ages have been profoundly stirred by this idea of man's destiny and have consecrated their best efforts to its attainment. Here the labors of the scientist, the statesman, the teacher and the minister have all centered. I know there are those among us who regard this as an idle fancy and who persistently refuse to be comforted by prospects so fair. To them there are no golden sunsets. They are not thrilled with the martial music inviting the race to its final triumph. They contend that the many failures of man in the past constitute sufficient ground upon which to predicate his ultimate failure. Such a conclusion, however, does not follow of necessity. We have seen the tree cast

its buds in untimely birth and spring's loveliest flowers withered in the unfolding of their beauty, but spring was not a failure. Soon those gaunt old arms were covered with dainty green, and flowers fairer still bloomed over the graves of withered beauty. While there are numberless cases of abortive attempt and failure in nature it does not follow that nature is an abortion and a failure of its proper end. So with man, through all his mistakes and failures divine wisdom leads on to perfection. "Though he fall he shall not be utterly cast down." The only questions that remain to be answered are How? and When? By what agent or agency will such a result be brought about? and when is its accomplishment to be expected?

I. Let us endeavor to answer the first question—How? Will the progress of civil liberty and the establishment of free institutions accomplish it? This seems to be the prevailing idea at present. We proceed on the assumption that when the stars and stripes float over a country its night of care must necessarily vanish. It must be confessed that in many instances this would be a decided step in advance; but still the end would not be reached. Notwithstanding the fact that we have, for so long a time, enjoyed the blessings that come from civil liberty and free institutions, our imperfections are too glaring to need comment. It is to be seriously doubted if at any period of our life as a nation we have had more unsupplied wants than we have to-day. The restlessness and dissatisfaction that prevail are alarming. Nor is this spirit confined to any one class of our people, it comes from the cottage and the mansion alike. But it may be urged that the probation of our institutions is not sufficient—that they only need more time in which to answer our fondest expectations. In order to ascertain whether this position affords ground for hope let us examine our civilization in its highest forms. To do this we must go to those places where all the elements that make up our national life

center. If it be urged that these are not our best places, we answer; True, but here, and here alone, has our civilization culminated. If an European would study American civilization he goes to New York to do it. What does he find here? Undoubtedly some of the best people in the world. But right over against them some of the most degrading forms of vice that ever cursed the most benighted nation on earth. Here avarice and greed surpass anything ancient Rome ever knew. The spirit of gambling is so rank that its virus is poured through the entire nation. Here thousands roll in luxury and ease, while tens of thousands are doomed to the most abject poverty. Nor is there the remotest promise in our institutions that this condition will be relieved. While many worship at the altars of our God, still infidelity stalks forth in open day. I ask if the life of institutions, under which such things live and thrive, multiplied by a million of years, is likely to bring perfection?

Then again, it is a fact worthy of note that the potency of free institutions depends upon whether they are thrust upon or spring out of a people. They cannot live except supported by a virtuous populace, and it is not within their province to produce that populace. This clearly implies the going before of a power that makes their very life possible and the fact that of themselves they have no essential virtue and can produce nothing. Free institutions, as they exist among us to-day, cannot even cherish and give fair play to those virtues necessary to keep such a government alive; much less create them. Our institutions have not in themselves the elements of their own perpetuity, but over them all is written: "Dust thou art and unto dust shalt thou return." These observations are made in full view of the glory that has come to our nation through these very agencies. Nor would we detract one ray from their lustre, only we would place them where they properly belong. Light they have, 'tis true, but it

is a borrowed light. As much as we love them, thoughtful men know full well that they can never solve all our problems. To-day they stand as helpless in the presence of certain great questions as gods made with men's hands. And instead of renewing their youth their impotence becomes more apparent with age. To them the cry of broken hearts and wrecked fortunes goes up, but no answer comes back. Nothing is clearer than that we must expect help from another source.

2. The advancement of science and the general diffusion of knowledge are much looked to as the promise of a better future. Much stress is laid upon the marvels of scientific discovery and their application to human uses during the last fifty years.

That human life in all its departments has been blessed by these cannot be doubted for a moment. They are indeed the marvel of the age. We can but stand in wonder and admiration before them. And no doubt this is but the beginning. Science will continue to bless so long as she recognizes Nature as a great temple built by the Almighty Father's hand, and seeks her light from Him. But science has no promise of bringing men to a perfect state, for she, too, has lifted supplicating hands to God for light in which to walk.

As to the general diffusion of knowledge—it must be remembered that knowledge is a power for evil as well as for good. Light in the head is not always goodness in the heart. Both observation and experience abundantly prove that our goodness has not increased with our knowledge. Some of the highest sources of human knowledge have become hot beds of atheism. Perhaps not openly, but Judas like, they betray with a kiss. While the mob is dangerous, that danger is increased manifold when a trained mind guides its madness. This is generally the case, for, as a rule, it is the learned who plot to overthrow governments and enthrall the liberties of mankind. It was

this same crowd that robed Christ in purple and scoffed into momentary silence His Messianic claims. It does not follow from this that ignorance is the parent of devotion. But we must beware of expecting the regeneration of human society from the mere diffusion of knowledge. Unless permeated and actuated by higher influences the widest diffusion of knowledge will only make society less wise in what constitutes real perfection and true welfare.

Then again that which is imperfect cannot produce perfection. We cannot impart to others the qualities we do not ourselves possess. In the long ago an old nation imagined that the sum of all was known, and consequently engraved on its coin the twin pillars of Hercules with the motto above them: "Ne Plus Ultra." The wise old king of Israel had pretty much the same idea; for he considered the man who should come after him almost entirely out of a job. Soon, however, the old nation had cause to change her motto; for one of her own sons, sailing through those gates, discovered a new world, whereupon she re-engraved her coin: "Plus Ultra." No man since that time has dared crown the present. Every scientific text-book in our schools to-day which is over ten years old, is practically useless. Old encyclopedias are classed with the almanacs of last year. He who anchors to the present bids success adieu.

3. But to whom shall we go? To christianity, of course, says one. Very true; but all depends upon what you mean by christianity. To some men it means no more than budhism. A large body of professed christians see no more in it than a body of doctrines and ethical precepts with a visible institute of worship and moral discipline. Such a christianity has no power to bring the life of a fallen race to perfection. Our present condition demands more than rules of conduct. Without the revelation of power revealed knowledge could be of little worth. We want the ability to obey these doctrines and precepts, and that power is not in the human race.

It is no longer a question as to whether christianity is to become the religion of the world—it would become such **through** social and commercial causes alone. There can be **no** hope for the salvation of man in the mere establishment of christian institutions.

Not all are angels who look like angels; neither is every thing christian which assumes its guise. Far more important than the number of missionaries we send abroad is the message they carry. Christianity is the interference of God in human destiny. It is divine power incarnated in the life of humanity. It is the incorporation of a divine principle into the corrupted life of the race, through the incarnation of the eternal Word. It is the indwelling of God in man by the Eternal Spirit of life. The union of God and man in the person of Jesus Christ is therefore the central fact in the history of the universe. Here is the only ground upon which a philosophy of human history can be predicated. No other principle can be found upon which to unite all rational creatures. It may be regarded as a stumbling block and foolishness, but you cannot get around that stumbling block or avoid that foolishness. Just as Christ becomes a part of the corporate life of humanity will the world approach perfection. The old prophet spake truly in declaring that the babe was set for the rise and fall of many—a truth which perhaps he did not fully grasp at the time. But each passing century has been a comment, and now the world is beginning to awake to the fact that the Nazarene has a voice in the conduct of its affairs. The reign of a personal Christ must be established over the hearts and lives of men. If christianity is nothing more than a fine ethical code, it is scarcely worth the heathen's while to tear down the temples of his gods to make it a place. "Christianity without Christ cannot save." When such a reign is established, a superintending God is placed over human history. As well divorce creation from Divine wisdom and power, as to sever human history from Divine providence.

It is not to be inferred from what has been said, that we would dispense with institutions and the general dissemination of knowledge altogether. Their utility depends entirely upon their character and aim. All means are to be valued just in proportion as they contribute to the best interests of the race. It may be safely asserted that only those institutions which are based upon and draw their inspiration from the incarnation as stated above can worthily stand for God's truth, and prove a blessing to the world. Such institutions are useful in bringing men to a knowledge of the truth, and must therefore continue to the end of time. More to be feared than the avowed enemies of god, are those institutions which refuse to recognize the Divine hand in human destiny.

It is not without good reason that I assert this to be the only solid ground upon which humanity can stand. Here we learned our true dignity and worth—created in the image of God, and destined for an eternal career. Until this great truth dawned upon man he was regarded as only a little better than the cattle upon the hills. The force of these great truths in determining human progress will be clearly seen if we compare the civilization of the valley of the Nile with that of the Hebrew nation. History does not bear upon its pages the record of any nation having arisen to true greatness that did not embody these great truths in its constitution, and live them in the lives of its people. Without them learning is dangerous, and power is a monster. The old prophets found the fittest types of certain great powers in the jungle; and the same is true of many to-day. Let others build on their little sandbars if they will, but the incarnation is our Gibraltar; let us build upon it.

But strange to say, the world calls the man who occupies this position narrow. On the same ground, the man who built upon the rock might have been called narrow, because he rejected the broad plain for the one impregnable spot. Call it narrow if you will, but here is the only foundation

sufficient to bear up the destinies of immortal beings. Here is love as broad as the needs of sinful man. Here is expiation as efficacious as the love that inspired it. Here is a power sufficient to lift man to glory and dignity undreamed of by the creeds and philosophy of the ancients. Here is the soul of every good thing. Oh, that we might learn with Paul, the weight of the great truth: "Other foundations can no man lay than that which is laid—Jesus Christ."

So I call you to record that here is a fact that the builders of states must reckon with, and it is going to occupy a more prominent place in the future than it has in the past. When I first saw advertised the little book called *The Larger Christ*, I thought it was the production of some crank; but now I begin to realize with the author, the magnitude of the truth he labors to assert. And let me say here that this is pre-eminently a lesson for the future statesman to learn; and one that he must learn except his fabric be consumed. "The nation that will not serve Thee shall perish."

II. Now let us note briefly the last question—When? I think the mistake we too often make is that of expecting a temporary destiny for the race. That improvements have been made in the past and will continue to be made in the future cannot be doubted for a moment. The world will continue to grow better. Our faith must stand firm in the belief that the good will finally predominate.

Yet we must not expect to find the end here. When Abraham left home at the call of God it was for the land of promise, but when his feet stood on the hills of Palestine, his desires were broader than ever. The promised land was sufficient to tempt him from home, but not to satisfy him. Looking far into the future he declared himself a pilgrim and that he sought a city whose builder and maker is God. God never intended him to rest here, but did not tell him so in the beginning. The promise of

a spiritual seed and that of a heavenly Canaan were reserved for a broader understanding to appreciate.

Earthly millenniums may tempt an infant race because it cannot understand anything better, but they cannot bring satisfaction. Their chief good lies in that they open to the eye of vision spheres of activity and enjoyment beyond. At each vantage ground attained hope sings to the human heart: "It is better further on."

In young life, when there are no shadows to darken and no clouds to lower, we may dream of earthly bliss, but these dreams are soon dissipated and the hard cold fact presses itself upon us that, strive as we may, there is no completeness in this life. The mysteries which then gather around us cannot be dissipated except we view this life in connection with the life to come. The best are ready to say with Jacob: "Few and evil have been the days of thy servant."

So it is with the life of the race. He who expects to find in this world anything answering to the promise in man will be sorely disappointed. The promise is more than appears in the fruit. God has given those buds of promise an eternity in which to unfold. Therefore we see the fruit here in a state of immaturity. Does the life of man, as we behold it now, answer to the elaborate preparation God made for it?

Suppose you God made this world, girdled it with oceans, carpeted it with green and arched it with flaming skies as a place for man to eat and sleep for a few days and then die? If so, you might well write across the heavens in letters of fire: "Much Ado About Nothing."

Take the history of the world. Have the many millions of earth labored and fought and died that we might enjoy the pittance of blessing that falls to our lot to-day, and nothing more? Can we imagine the temporary destiny we now enjoy a sufficient compensation for six thousand years of suffering and toil? When the angels shouted for joy over a new made world was it in view of what we are

to-day? If so, all rational creatures would unite in pronouncing it a gigantic farce. But such is not the case. An allwise God would do better than that. Nothing has yet appeared in the church which could in any sense constitute an adequate result of Heaven's great sacrifice and the awful tragedy of the cross. If this were all, Christ could not be satisfied with the travail of his soul. There can be no significance in Christ's resurrection if man is to find his perfection here.

This is not the end; all things point to something higher and better. We should remember that man's life on earth is but one act in the drama of that life which shall never end. This act cannot be interpreted until the entire play is unfolded. No single transaction in this life can be rightly understood except viewed in the light of eternity. God has in prospect for man fairer Edens than even that of his primeval home.

As christians we are not discouraged when earth's fairest flowers are blighted, for He in whose hands is our destiny hath declared that all things work together for our good. We build our hopes upon the Incarnation rather than upon philosophy of human institutions. We look to the Church of God rather than to politics. The universe is our home rather than these sectional limits bounded by narrow minds. Our ambitions prefer God's good time for their realization to selling themselves for a mess of pottage to-day. I believe that our ship will have a landing safe, triumphant, glorious. Though the earth be moved we will not fear, for God is our refuge. Since Christ is the determining cause in the history of the world, eternity must necessarily be its goal. Though earthly millenniums come they will not constitute an end of human progress or satisfy human desires. Let no man forbid the hope they inspire, however, for christianity is abundantly able to produce all we expect. Let the universal heart of humanity lift up the prayer to the world's restorer: "Thy kingdom come—Thy will be on earth as in heaven."

THE ADOPTION OF THE FEDERAL CONSTITUTION BY
NORTH CAROLINA.

BY J. A. BEST.

The Legislature of North Carolina called a Constitutional Convention to meet at Hillsboro, in July, 1788, to consider the adoption of the proposed Federal Constitution. In a short time much opposition to the Constitution arose, among the most prominent opponents being Willie Jones, of Halifax, General Person, of Granville, Timothy Bloodworth, of New Hanover, Dr. David Caldwell of Guildford, and Col. James McDowell, of Burke. On account of the great influence of these men it was at once seen that North Carolina would be in the doubtful column. The position of the Republicans was defended in a pamphlet prepared by Col. George Mason, of Virginia, and this was distributed throughout the State by the opponents of the Constitution. To this, Col. James Iredell, of Edenton, ably replied in another pamphlet. The Federalists also had the aid of a publication called *The Federalist*, issued by Alexander Hamilton, James Madison, and John Jay. The campaign was hotly contested on both sides prior to the election of delegates, which resulted in a victory for the Republicans.

The Convention consisting of two hundred and eighty-eight members met in the Presbyterian church in Hillsboro, on July 21, 1788. Although the Republicans were in the majority, the Convention elected Gov. Samuel Johnson for the president. He was a man of sterling quality and although he differed from the majority in his views they were willing and anxious for him to preside. The Convention immediately proceeded to business by appointing a committee, consisting of Messrs. Davie, Person, Iredell, McDonald, Battle, Spaight and Samuel Spencer, to prepare certain rules and regulations for the control of the Convention during the discussion of the Constitution; and

recommending a committee of three members from each District as a Committee of Privileges and Elections. When these committees had reported and their reports had been acted upon, there began a battle royal between the eloquence and logical arguments of the Federalists led by James Iredell and the shrewd political manoeuvres of Willie Jones aided by assistants with able arguments.

The Federalists were led by Col. James Iredell, the most learned man of the North Carolina Bar, and an excellent Constitutional lawyer; he was a fluent and eloquent speaker and logical debater; he had made a thorough study of the Constitution and of our needs for such an instrument; and he was ready at all times to defend it and meet the arguments of the other side. During the sitting of the Convention, he delivered no less than thirty-two speeches. His speeches were so forcible that the bitterest opponents of the Convention could but sit and listen and when they attempted to answer him, they could make but feeble replies. He was ably assisted by Col. William Richardson Davie, who had won fame in the War of the Revolution and who was an able lawyer and debater; by Gov. Johnston, "calm, lucid and convincing;" by Archibald Maclaine, "sensible, pointed and vigorous," a man whose high temper often increased the opposition of antagonists of the Constitution; by Richard Dobbs Spaight, a descendant of Gov. Dobbs; and by the young John Steele of Salisbury.

The Republicans were lead by Willie Jones. The following from McRee's life of Iredell is a good characterization of this man:

"Willie Jones, of Halifax was the most influential politician in the State: ultra-Democratic in theory, he was aristocratic in habits, tastes, presence and prejudices: he lived sumptuously and wore fine linen; he raced, hunted and played cards; he was proud of his wealth and social position; and fastidious in the selection of associates for

his family. A patriot in the Revolution, he was now the acknowledged head of a great party. He was zealous of his authority, and prompt to meet any attempt to undermine his power. His knowledge of human nature was consummate; and in the arts of insinuation he was unrivalled. He had the powers of forecast, and combination in an imminent degree; and his plans, if sometimes intricate, were always ingeniously constructed. As a spider in its web, speedily apprised of any disturbance at its extremities by the vibration of its thread, is alert to repel assault or secure a victim, so ever on the *qui vive* he was resolute and efficient in his defence, and the assailant often became the assailed. Though generally relentless, and uncompromising as a partisan, he had a generous heart, and on more than one interesting occasion, had given signal proof that he could soar above the murky atmosphere of party. He was a loving and cherished disciple of Jefferson, and was often taunted with his subserviency to Virginia 'abstractions.' He seldom shared in the discussions. His time of action was chiefly during the hours of adjournment: then it was that he stimulated the passions, aroused the suspicious, or moderated the ardor of his followers; then it was that, smoking his pipe, and chatting of crops, ploughs stock, dogs, etc., he stole his way into the hearts of honest farmers and erected there thrones for himself." This was the man who held the destiny of North Carolina in his hands. His word was law among the majority of the delegates. He was assisted by Judge Samuel Spencer, "candid and temperate," and a good debater; by Dr. David Caldwell, a Presbyterian divine, he was a man of the closest, of theories, impractical and tenacious. He was a good preacher and did much to elevate the people of Western North Carolina, but in politics he was out of his field. He was ignorant of its workings, a zealous patriot, but often blinded by prejudice. He had been looked up to by

the people among whom he lived till he thought he was right in every position he took and could not be induced to change his position, no matter how clear, to others the thing might be. Jones was also aided by Timothy Bloodworth, who was resolute almost to fierceness and almost radical in his democracy; by Col. Joseph McDowell and by the Rev. Lemuel Burkitt. The debate conducted by these eminent men lasted for eight days and can be favorably compared with the debates in the Convention of any other State.

The first clash came when Willie Jones proposed that the vote should be taken without a discussion. He claimed that the members had had ample time in which to consider the Constitution; and that they had already made up their minds, and therefore there was no need of a prolonged discussion and of greater expenditure of State funds. Iredell opposed this motion, and said that they had been sent there to deliberate upon an important measure and that it was nothing but right that they should thoroughly discuss the Constitution and the advisability of adopting it, before they voted upon it. He closed with these words: "I trust that we shall not go home and tell our constituents that we met at Hillsboro; were afraid to enter into a discussion of the subject; but precipitated a decision without a moment's consideration." He carried his point and it was decided to discuss the Constitution coolly, candidly and in a committee of the whole House.

The Convention then resolved itself into a committee of the whole house with Elisha Battle in the chair. Immediately Rev. Mr. Caldwell proposed certain rules or maxims which he considered ought to be the fundamental principles of every free government. They were as follows: 1. A government is a compact between the rulers and the people. 2. Such a compact ought to be lawful in itself. 3. It ought to be lawfully executed. 4. Unalienable rights ought not to be given up if not nec-

essary. 5. The compact ought to be mutual. 6. It ought to be plain, obvious and easily understood. Mr. Iredell objected to these rules, claiming that the Constitution was on a higher basis than a compact. Mr. Spencer and several others objected to being bound by rules in the discussion of so important a subject, and also claimed that to establish the validity of these laws would require as long as it would to discuss the Constitution. When the roll was taken it was seen that the rules had been defeated by 163 to 90 votes.

Mr. Johnston then moved that the constitution be discussed by sections. This was objected to on the grounds that it would take up too much time; but Iredell contended that they had been sent there to decide upon the constitution and that a thorough discussion in all its parts was indispensable. The motion was carried by a large majority.

When the preamble was read Dr. Caldwell objected to the expression, "*We, the people.*" He said that the convention at Philadelphia had assumed a power which did not belong to them; they were the representatives of the Legislatures and not of the people and had no right to say "*We, the people.*" Colonel Davie, a member of the Philadelphia convention, answered Dr. Caldwell. He gave the reason for the calling of the convention, and the objects of the proposed union, which were as follows: 1. To protect us against foreign powers. 2. To defend us against internal commotions and insurrections. 3. To promote the commerce, agriculture and manufactures of America. He then gave the defects of the old system and some reasons for the new, mainly as follows: The chief object was the happiness of all the people in all the States. The old confederation could not secure treaties, foreign powers refusing to make them because there was no power in America to enforce them. "The old method, founded on State government solely, would be tottering and inefficient. It became, therefore, necessary to bottom it on the people

themselves, by giving them an immediate interest and agency in the government." He said further, "The act of the convention is but a mere proposal similar to the production of a private pen," and that it was now before the people. If they saw fit to adopt it, it was "*We, the people.*" If they saw fit to reject it, they were bound by none of it, and the convention claimed no power whatever in saying "*We, the people.*" Mr. Joseph Taylor contended that the intention was a consolidation of all the States. He said: "Had it said '*We, the States,*' there would have been a federal intention in it. But, sir, it is clear that a consolidation is intended." This country is too large for consolidation. He could not see but that the convention had assumed power and he was opposed to all assumption of power. Mr. Caldwell, always zealous for local rights, could not understand why they had said "*We, the people,*" and still contended that there was an assumption of power.

The policy of the Republicans was to keep silent as much as possible, and by so doing force the Federalists to begin the debate and assume objections. This the Federalists did faithfully, explaining and defending almost every clause in every section. The Republicans objected very strenuously to Section 4, Article I., claiming that Congress was given undue and dangerous power in the election of Representatives and Senators; and to the section giving the House of Representatives the sole power of impeachment. They claimed that the House of Representatives might impeach any officer on the continent, and they only could impeach, not even leaving to the State Legislatures the power of impeaching state officials. The Federalists claimed that in the power over elections, Congress had no more than was necessary for the preservation of the government. If it were left solely to the states, they might refuse to elect Representatives and Senators, and thus the government would be destroyed; and in regard to the matter of impeachment they showed that it

applied only to officers of the United States government and in no wise to the officers of State governments.

There was considerable debating on the 8th section. The Republicans claimed that the powers of taxation given to Congress were too great; that they covered the whole field of taxation and left the State no means, whatever of raising a tax without interfering with Congress; that the people would not submit to it; that it would require an army to collect those taxes; that they would desire their taxes levied by their own representatives, men with whom they associated, who knew their conditions and not men living in some other states, as the Representatives in Congress would be; and that when they gave up their purse strings and their swords, as they would be compelled to do under the Constitution, they would give up their only safe guards of liberty.

The Federalists claimed that those powers given Congress in regard to taxation were absolutely necessary in order for Congress to procure funds in times of danger and because a government could not procure loans without the power of taxation; that a tax levied by Congress would be collected with less expense than one levied by the State and then turned over to Congress and could be collected much more quickly in times of danger; that such a tax would be levied by the Representatives as much as one levied by the State Legislature; that the old method under the Confederation was a failure; and that we could trust our Representatives; if not, our government would be a failure.

The Republicans objected to the power placed in the hands of the President in Section 2, Article II. They claimed that it was not necessary to give one man so much power; that his influence would be too great in the country and especially over the military on account of his being Commander-in-chief of the army, navy and militia; that he could too easily abuse such extensive power; and that Congress should control the movement of the army.

The Federalists admitted that the President would be Commander-in-chief of the army, navy and militia; but they claimed, that Congress who had the power of raising armies could certainly prevent any abuse of that authority in the President; that Congress supported the army and could impeach the President if he abused his authority; that it was necessary for one man to have charge of the army, as had been demonstrated when Congress gave Gen. Washington the exclusive command of the army.

There was a long debate on the second clause of Section 2, Article II. The Republicans argued that the Legislative, Executive and Judicial functions of government ought to be forever separate and distinct from each other; that the Constitution gave the Senate the chief executive power, in the fact that they must agree to all treaties and to all appointments by the President. They said that the Senate was to try all impeachments of the executive department of the government and being a part, themselves, they would not convict themselves, thus denying the right of trying and convicting men who might be guilty of high crimes; that too much power was given too few men, in as much as two-thirds of the members present could make a treaty, fourteen being a quorum, and ten two-thirds of a quorum. These ten men could make treaties and alliances, and might involve us in difficulties; and that we were unsafe when we had no power of bringing them to account.

The Federalists replied that the power of making treaties could nowhere be so safely lodged as in the President and and Senate, because the extreme jealousy existed between the States would not admit of it elsewhere; that the Legislative and Executive were compelled to be connected in a certain degree, for a government would be impossible, if there was a complete separation.

The Republicans put forth their full power of argument when the article relating to the Judiciary was read. They

objected to the exclusive jurisdiction of the Federal court in all cases of law and equity arising under the Constitution and laws of the United States, to the appellate jurisdiction in controversies between citizens of different States, and in a few other instances, because they believed the law would be oppressive in its operation. They said there would be a clash between Federal and State courts; that these courts would be a great and unnecessary expense while the State courts would be idle and useless; that in as much as all officers would have to take oath to support the general government, it would carry everything before it, and thus bring about the consolidation so much dreaded; and that it was an injustice to a poor man because he would not be able to carry his case to this court on account of the expense, while the State court could settle the case just as well. They also claimed that in civil cases they were not granted the right of trial by jury and that that was reason enough to condemn the Constitution.

The Federalists replied that a Supreme Federal Court was necessary; that it would not necessarily conflict with the State courts; because it had a separate field from State courts, and pointed out the field of each court, and that being the case it would not cause consolidation; that they were not denied the right of trial by jury, since what was not expressly taken from the States by the Constitution, still remained to them; that the Representative of the people could provide a method of trial for civil cases, as they saw fit; that the reason they did not say that civil cases should be tried by jury was because no general rule could be laid down to fit all the States, in as much as some cases were tried by jury and some were not; that they therefore thought it better to leave all such regulations to the Legislatures, conceiving that there could be real danger from a body of their own representatives. But the Republicans were not satisfied. They said that if they

could not have any fixed rule in the Constitution they ought to have a Bill of Rights, which would guarantee their rights to them.

There were no objections made to Articles IV and V, but but they were explained by the Federalists.

The Republicans objected to Article VI, claiming that it meant the distruction of State law; that it was too general; and that its extent ought to be limited and defined. In answer to these objections, Gen. Johnston said: "The Constitution must be the supreme law of the land, otherwise it will be in the power of any one State to counteract the other States and withdraw itself from the Union" and "that the laws made in pursuance thereof by Congress ought to be the supreme law of the land, otherwise any one State might repeal the laws of the Union at large."

After the debate was finished, Gov. Johnston made the following motion, "That this committee having fully deliberated on the Constitution of the United States of America, by the Federal Convention lately held at Philadelphia, on the 17th day of September last, and having taken into their serious and solemn consideration the present critical situation in America, which induces them to be of opinion, that certain amendments should be proposed subsequent to the ratification on the part of this state, and not previous to it. They therefore recommend that the Convention do ratify the Constitution, and and at the same time propose amendments, to take place in one of the modes prescribed by the Constitution."

This was not the plan of Willie Jones. He cited the wish of Jefferson that nine states should adopt and the others should hold off until certain amendments could be obtained. His plan was not to determine on the constitution, neither to adopt nor to reject it; "but to leave ourselves at liberty, and when we obtain the amendments we can adopt if we like." Through his influence he kept Johnston's motion from being put before the committee,

and the following report of the committee of the whole House was adopted by a vote of 184 to 84:

Resolved, That a declaration of rights, asserting and securing from encroachment the great principles of civil and religious liberty, and the unalienable rights of the people, together with amendments to the most ambiguous and exceptionable parts of the said constitution of government, ought to be laid before Congress, and the conventions of the states that shall or may be called for the purpose of amending the said constitution, for their consideration previous to the ratification of the constitution aforesaid on the part of the State of North Carolina.

DECLARATION OF RIGHTS.

“1. That there are certain national rights of which men, when they form a social compact, cannot deprive or divest their posterity, among which are the enjoyment of life and liberty with the means of acquiring, possessing and protecting property and pursuing and obtaining happiness and safety.

“2. That all power is naturally vested in, and consequently derived from, the people; that magistrates, therefore, are their trustees and agents, and at all times amenable to them.

“3. That government ought to be instituted for the common benefit, protection and security of the people; and that the doctrine of non-resistance against arbitrary power is absurd, slavish and destructive to the good and happiness of mankind.

“4. That no man or set of men are entitled to exclusive or separate public emoluments or privileges from the community, but in consideration of public services, which not being descendible, neither ought the offices of magistrate, legislator or judge or any other public office to be hereditary.

“5. That the legislative, executive and judiciary powers of government should be separate and distinct, and that

the members of the two first may be restrained from oppression, by feeling and participating in the public burthens, they should at fixed periods be reduced to private station, return into the mass of the people, and the vacancies be supplied by certain and regular elections, in which all or any part of the former members to be eligible or ineligible, as the rules of the constitution of government and the laws shall direct.

“6. That elections of representatives in the legislature ought to be free and frequent, and all men having sufficient evidence of permanent, common interest with, and attachment to the community, ought to have the right of suffrage; and no aid, charge, tax or fee can be set, rated or levied upon the people without their own consent, or that of their representatives so elected; nor can they be bound by any law to which they have in like manner assented for the public good.

“7. That all power of suspending laws or execution of laws, by any authority, without the consent of the representatives of the people in the legislature, is injurious to their rights, and ought not to be exercised.

“8. That in all capital and criminal prosecutions, a man has a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, to call for evidence and be allowed counsel in his favor, and to a fair and speedy trial, by an impartial jury of his vicinage, without whose unanimous consent he cannot be found guilty (except in the government of the land and naval forces), nor can he be compelled to give evidence against himself.

“9. That no freeman ought to be taken, imprisoned or be dispossessed of his freehold, liberties, privileges or franchises, or outlawed or exiled, or in any manner destroyed or deprived of his life, liberty or property, but by the law of the land.

“10. That every freeman restrained of his liberty is entitled to a remedy to enquire into the lawfulness thereof, and to remove the same if unlawful, and that such remedy ought not to be denied or delayed.

“11. That in controversies respecting property and in suits between man and man, the ancient trial by jury is one of the greatest securities of the rights of the people and ought to remain sacred and inviolable.

“12. That every freeman ought to find a certain remedy by recourse to the laws, for all injuries and wrongs he may receive in his person, property or character; he ought to obtain right and justice freely without sale, completely and without denial, promptly and without delay, and that all establishments and regulations contravening these rights, are oppressive and unjust.

“13. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

“14. That every freeman has a right to be secure from all unreasonable searches and seizures of his person, his papers and property; all warrants therefore to search suspected places or to apprehend any suspected person without specially naming or describing the place or person are dangerous and ought not to be granted.

“15. That the people have a right peaceably to assemble together to consult for the common good or to instruct their representatives; and that every freeman has a right to petition or apply to the legislature for redress of grievances.

“16. That the people have a right to freedom of speech and of writing and publishing their sentiments; that the freedom of the press is one of the greatest bulwarks of liberty, and ought not to be violated.

“17. That the people have a right to keep and bear arms; that a well regulated militia composed of the body of the people trained to arms, is the proper, natural and safe

defence of a free state. That standing armies, in time of peace, are dangerous to liberty, and therefore ought to be avoided, as far as the circumstances and protection of the community will admit; and that in all cases, the military should be under strict subordination to, and governed by the civil power.

“18. That no soldier in time of peace ought to be quartered in any house without the consent of the owner, and in time of war in such manner only as the laws direct.

“19. That any person religiously scrupulous of bearing arms ought to be exempted upon payment of the equivalent to employ another to bear arms in his stead.

“20. That religion, or the duty which we owe to our Creator and the manner of discharging it, can be directed only by reason and conviction, not by force or violence, and therefore all men have an equal, natural and inalienable right to the free exercise of religion, according to the dictates of their consciences; and that no particular religious sect of society ought to be favored or established by law in preference to others.

AMENDMENTS TO THE CONSTITUTION.

“1. That each State in the Union shall respectively retain every power, jurisdiction and right which is not by this constitution delegated to the Congress of the United States, or to the departments of the Federal government.

“2. That there shall be one representative for every 30,000 according to the enumeration or census mentioned in the constitution, until the whole number of representatives amounts to two hundred; after which that number shall be continued or increased as Congress shall direct upon the principles fixed in the constitution by apportioning the representatives of each State to some greater number of people, from time to time, as the population increases.

“3. When Congress shall lay direct taxes or excises, they shall immediately inform the executive power of each State

of the quota of such State, according to the census herein directed, which is proposed to be thereby raised; and if the legislature of one State shall pass a law, which shall be effectual for raising such quota at the time required by Congress, the taxes and excises laid by Congress shall not be collected in such State.

“4. That the members of the Senate and House of Representatives shall be ineligible to, and incapable of, holding any civil office under the authority of the United States, during the time for which they shall respectively be elected.

“5. That the journals of the proceedings of the Senate and House of Representatives shall be published at least once in every year, except such parts thereof relating to treaties, alliances or military operations, as in their judgment require secrecy.

“6. That a regular statement and account of expenditures of all public monies shall be published at least once in every year.

“7. That no commercial treaty shall be ratified without the concurrence of two-thirds of the whole number of the members of the Senate; and no treaty, ceding, contracting, restraining or suspending the territorial rights or claims of the United States, or any of them, or their, or any of their rights, or claims of fishing in American seas, or navigating the American rivers shall be made but in cases of urgent and extreme necessity; nor shall any such treaty be ratified without the concurrence of three-fourths of the whole number of the members of both houses respectively.

“8. That no navigation law, or law regulating commerce, shall be passed without the consent of two-thirds of the members present in both houses.

“9. That no standing army or regular troops shall be raised or kept up in times of peace without the consent of two-thirds of the members present in both houses.

“10. That no soldier shall be enlisted for any longer term than four years, except in time of war, and then for no longer term than the continuance of the war.

“11. That each State respectively shall have the power to provide for organizing, arming and disciplining its own militia, whenever Congress shall omit or neglect to provide for the same. That the militia shall not be subject to martial law, except when in actual service in time of war, invasion or rebellion; and when not in the actual service of the United States, shall be directed or inflected by the laws of its own State.

“12. That Congress shall not declare any State to be in rebellion without the consent of at least two-thirds of all the members present in both houses.

“13. That the exclusive power of legislation given to Congress over the Federal town and its adjacent district, and other places purchased or to be purchased by Congress of any of the States, should extend to such regulations as respect the police and government thereof.

“14. That no person shall be capable of being President for more than eight years in any term of fifteen years.

“15. That the Judicial power of the United States shall be vested in one Supreme Court and in such courts of admiralty as Congress shall from time ordain and establish in any of the different States. The judicial power shall extend to all cases in law and equity, arising under treaties made, or shall be made under the authority of the United States; to all cases affecting ambassadors, other foreign ministers and consuls; to all cases of admiralty and marine jurisdiction; to controversies between two or more States, and between parties claiming land under the grants of the different States; in all cases affecting ambassadors other foreign ministers and consuls, and those in which a State shall be a party. The Supreme Court shall have original jurisdiction in all other cases before mentioned; the Supreme Court shall have appellate jurisdiction as to matters of law only, except in cases of equity, and of admiralty and maritime jurisdiction; in which the Supreme Court shall have appellate jurisdiction both as to law and

fact with such exceptions and under such regulations as the Congress shall make: but the Judicial power of the United States shall extend to no case where the cause of action shall have originated before the ratification of this Constitution, except in disputes between States about their territory, disputes between persons claiming land under the grants of different States, and suits due the United States.

“16. That in criminal prosecutions, no man shall be restrained in the exercise of the usual and accustomed right of challenging or excepting the jury.

“17. That Congress shall not alter, modify, or interfere in the times, places or manner of holding elections for Senators and Representatives, or either of them, except when the Legislature of any State should neglect, refuse, or be disabled by invasion or rebellion to prescribe the same.

“18. That those clauses which declare that Congress shall not exercise certain powers be not interpreted in manner whatsoever, to extend the powers of Congress; but that they be construed either as making exceptions to the specified powers where this shall be the case, or otherwise, as inserted merely for greater caution.

“19. That the laws ascertaining the compensation of Senators and Representatives for their services, be postponed in their operation until after the election of Representatives immediately succeeding the passage thereof, that excepted which shall first be passed on the subject.

“20. That some tribunals other than the Senate be provided for trying impeachments of Senators.

“21. That the salary of a judge shall not be increased or diminished during his continuance in office otherwise than by general regulations of salary, which may take place on a revision of the subject, at stated periods of not less than seven years, to commence from the time such salaries be first ascertained by Congress.

“22. That Congress erect no company of merchants with exclusive advantages of commerce.

“23. That no treaties which shall be directly opposed to the existing laws of the United States in Congress assembled, shall be voted until such laws shall be repealed or made comfortable to such treaty; nor shall any treaty be voted which is contrary to the Constitution of the United States.

“24. That the latter part of the fifth paragraph of the ninth Section of the first Article be allowed to read thus—nor shall vessels bound to a particular State be obliged to enter or pay duties in any other; nor when bound for any where in the States, be obliged to clear in another.

“25. That Congress shall not directly or indirectly either by themselves or through the judiciary interfere with any one of the States, in the redemption of paper money already emitted and now in circulation, or in liquidating the public securities of any one of the States, but each and every State should have the exclusive right of making such laws and regulations for the above purposes as they shall think proper.

“26. That Congress shall not introduce foreign troops into the United States without the consent of two-thirds of the members present of both houses.”

Following the adoption of the report of the committee the following resolution was adopted by a large majority, viz :

“WHEREAS, The Convention has thought proper neither to ratify nor reject the Constitution proposed for the government of the United States; and as Congress will proceed to act under the said Constitution, ten States having ratified the same, and probably lay an import on goods imported into the said ratifying States :

“*Resolved*, That it be recommended to the Legislature of this State that whenever Congress shall pass a law for collecting an import in the States aforesaid, that State enact a law for collecting a similar import in goods imported into this State, and appropriate the money arising therefrom, to the use of Congress.”

By this resolution it was plain that they intended to adopt the Constitution later, and on November 21, the second Convention met at Fayetteville and ratified the Constitution.

There has been much debating and a bloody war on the question of the right to secede but from the speeches and explanations on each side, both those for, and those against, the Constitution, nothing can be found which mentions the right of that doctrine, nor the right of nullification, but from their speeches it is plain that they considered these things impossible.

It probably was best that North Carolina held off, for the majority of the people in the State did not understand the Constitution, but when the speeches of the Federalists at the Convention at Hillsboro had been published and sent out among the people they saw that the Constitution was for their best interests and therefore adopted it without further discussion at the second Convention.

AD VALOREM SLAVE TAXATION, 1858-1860.

BY W. K. BOYD.

There is no phase of American history more profitable for study than economic conditions and changes in the South from the close of the Revolution to 1860. The state historians have universally neglected economic development. Politics monopolized scholarship as completely as it did society, and if the economic interests were ever seriously considered, there is no evidence in works extant. It remains for the younger investigators to reconstruct from data and material too often meager and unsatisfactory, those forces which made possible the glory as well as the internal decay and civil strife of a departed and almost forgotten civilization.

North Carolina occupied an unique position among the slave States. The Quakers and Scotch-Irish were never in sympathy with the slave system, and many opponents to it arose among these stocks. Benjamin Lundy said that he made his first abolition address at Deep Creek, North Carolina. Coffin, the founder of the "Underground Railroad," was a Guilford county Quaker. In 1857 Helper, another native of the State, published his "Impending Crisis," which clearly presented the evil effects of slavery on industry. In 1858 a member of the State Senate began a revolt against the existing system of slave taxation which illustrated many evil effects of slavery on the non-slave holders. By 1860 this revolt had become a State issue.

By the constitution of 1835 all slaves under twelve and over fifty years of age were exempted from taxation, and all between those ages were subject to a poll tax. The amount of this capitation tax was fixed year by year. In 1836 it was twenty cents; in 1852 was forty cents, and in 1860 was fifty cents. This variation was due to variation in land tax, for the poll was to be equal to the revenue on

three hundred dollars' worth of land. Slaves were therefore not listed as property, but as persons. It was claimed that this was a compromise. The Eastern counties consented to the abolition of boroughs and the admission of the West to the same basis of representation, provided that slaves be taxed as persons. The ad valorem men, the innovators and friends of a new system, rejected this view. Also there were many unsatisfactory clauses in the Revenue Acts. One thousand dollars at interest yielded \$1.80 revenue; the same amount hoarded, nothing. The same amount invested in land was taxed thrice the amount in trade. So Governor Reid in 1852, in his letter to the General Assembly, advised that an ad valorem method be adopted in all taxation except slave property. Nothing was done to relieve the situation and inequalities continued. In 1859, by the Comptroller's Report, \$203,000,000 slave property yielded \$118,330 revenue, while \$98,000,000 land paid \$191,980. Land was rated 20 cents per hundred dollars value, slaves $5\frac{3}{4}$ cents per hundred. An opportunity was open for a man of broad sense and political tact to win prominence for himself and relief to the burdened by offering a remedy to these conditions.

Such a leader arose in 1858 in Wake county. This was Moses A. Bledsoe, member of the State Senate for that county, who introduced a bill which proposed to levy taxes ad valorem on all property in the State, slaves not excepted. In an able address he showed that the average revenue of one thousand dollars in land property was \$1.50. A mature, healthy slave was worth the same amount or more, yet was taxed but fifty cents. He estimated that between one-third and one-half of the property in North Carolina was slave property, yet less than one-seventh of the revenue was levied from these slaves, three hundred thousand in number. By this system the small land owners and the slave holders were not taxed in proportion to the value of their property. Slaves were very

profitable and brought a good price on the market. An offer of \$1,100 each for 110 was refused in Pitt county about this time.* There was thus little inducement for the poor to acquire land. Inequality in taxation would tend to discourage those wishing to establish homes.

Mr. Bledsoe claimed that the taxation of slaves as persons was contrary to the Southern position on slavery. "Let me say to you that if you oppose this just doctrine (that slaves are property), if you attempt to exempt slaves from the same rules that apply to every other kind of property, you will abandon your strongest ground of defense against the assaults of the Black Republicans and Abolitionists." If slaves are property, why not tax them as such? "If my neighbor inflicts an injury upon my slave, I may seek redress in the courts of justice and recover damages done to my property, but I can recover nothing for the pain inflicted on my slave as a person; that is a deed for which he must be indicted, convicted, and punished as an offense against the peace and dignity of the State."

About this time the Raleigh Working Men's Association was organized. Its purpose was to protest against certain features of the Revenue Acts that appeared unjust to the laboring men of the city. For instance, the tax on interest was \$2.40 per thousand. But tools, implements and even carriages were assessed at one per cent. or \$10 per thousand. Mr. Bledsoe drafted the constitution of this society, but slave taxation was so overshadowing in importance that little notice is made of it in the press of the time.

Mr. Bledsoe's bill failed to secure the required majority to become a law. But such an impression did his agitation make, that *ad valorem* taxation was discussed from mountain to sea and became the dominant State issue in

*Letter, Pulaski Cowper, Raleigh, N. C.

1860. Now the Democratic party won the State by an appeal to popular sympathy. Through its efforts the last colonial restrictions on suffrage were removed and the party entered on its career of supremacy as the champion of the people. But the slave aristocracy dominated the party and the proposed reform in taxation, in many ways a benefit to the poorer classes, was rejected by its leaders. The State convention which met at Charlotte found no place in its platform for the measure. But the Whig-Know-Nothing convention adopted the reform and Mr. Bledsoe was widely spoken of as an excellent gubernatorial possibility on their ticket. Here should be noted a difference in political methods. The Whigs favored an ad valorem system only as it should be the expression of the popular will through a convention. In the Assembly of 1858 Gorrell and Turner had introduced bills to submit the taxation question to a popular vote and a convention. Mr. Bledsoe thought this unnecessary, that the reform might be by legislative enactment. Perhaps this was the reason that Bledsoe did not receive the Whig nomination. John Pool, of Pasquotank, was the chosen one and his opponents in the campaign urged that he had not formerly been in sympathy with the ad valorem movement. This charge might have been due to a wilful misrepresentation and confusion of methods to the people by the opposing politicians.

This issue of 1860 not only dealt with one of the most vital of civic problems, but was also not the least of the economic problems of slavery, for it involved the relative values of slave and other property. It caused dissention among the Democrats and had not national issues made necessary loyalty to party creeds there might have been a serious rupture. Mr. Holden, the editor of the "Standard," the Democratic organ, was in 1858 in sympathy with Mr. Bledsoe, but in 1860 sacrificed his individual views to the will of his party. The fight was close. In Raleigh

the "Adder," a campaign sheet, was edited from the "Standard" office by John Spellman. This gentleman later was editor of the "State Journal," the Democratic organ that succeeded the "Standard." The "Little Ad" was published in Greensboro by J. M. Sherwood, the editor of the "Greensboro Patriot." Unfortunately files of these papers have not been preserved and the regular papers must be consulted for information regarding the campaign.

The arguments adduced are of more than passing interest and importance. The address of the Democratic Executive Committee was an able document, signed by E. G. Haywood, chairman. The argument, though able, is purely theoretical and well represents the speculative tendency of the Southern mind. Value alone must not be the standard of revenue; such a method would be onerous to the poor. Governments are instituted for the protection of the rights of individuals and if value be the measure of revenue, what must be the amount levied for personal defense? Slave taxes are taxes on labor and history shows that excessive labor revenues are never successful. Slaves are also capital and one of the principles of political economy is that "governments must never lay such taxes as will inevitably fall on capital." By the proposed reform 300,000 slaves would yield more revenue than millions of whites. Productiveness, cost of production, and protection must be considered as well as value in any equitable system.

The opposition relied for their argument on facts rather than theory. Perhaps the best exposition of their policy was by the "Greensborough Patriot," whose editor, let it be remembered, issued the "Little Ad." "What will be the feelings of the owner of \$1,200 worth of land when he understands that he pays just three times as much tax on it as his more fortunate neighbor does upon his slave worth the same money?" It was also claimed that the existing system caused emigration. "Why do they go

away? Ask them. They all most inevitably reply, that our State is behind the age, taxation is oppressive, and we must go to a State where a different system prevails.' But the most practical argument was the experience of other States. All the Southern States except Virginia and North Carolina had the ad valorem system. Moreover North Carolina was then carrying an excessive debt and not the least reason for the new system was to diminish this debt. A few years before Georgia was practically bankrupt; she adopted the ad valorem system and by this time had become the equal of any of her neighbors. "There is no complaint in that State about high taxes, notwithstanding her great and extensive public works. Her people are taxed less than the people of almost any State in the South." If her example were followed, taxes would be diminished, not in amount, "but the funds from which the Legislature must levy the revenue would be so greatly increased, that the per cent. to be paid would be greatly less for each tax payer. This is the experience of other States and we may make it ours."

Thus both parties presented their views of the issue and worthily defended them. Mr. Ellis, the "middle of the road" Democratic nominee, was elected by six thousand majority. Quite naturally the East, where slavery had a strong hold, supported Ellis. Mr. Pool, a native of Pasquotank, lost his own district. It was in the Western and some of the Central counties that the ad valorem cause was strongest. In Wake Mr. Bledsoe failed to receive the Democratic nomination for the Senate. Geo. W. Thompson was chosen by the county convention to represent the party in his stead. Mr. Bledsoe at once announced himself an independent candidate. The contest was one of the memorable local campaigns in the State. Both men were able politicians and good stump speakers. Mr. Bledsoe was triumphantly elected. "Well do I remember that warm summer night in August when

the news reached Raleigh from the country precincts announcing the election of Mr. Bledsoe. The town was wild and his admiring friends took him upon their shoulders and paraded the streets with him.'**

Returned to the General Assembly, Mr. Bledsoe again presented a bill providing for the institution of an ad valorem system. This required but a few votes to make the requisite two-thirds majority.

Thus ended ad valorem agitation in the Union. The history and nature of the movement present many questions for thought and speculation. Though apparently a movement of the non-slave holding class, on close examination many slave owners are found among its most ardent friends. Mr. Bledsoe himself was one of these. Frequently articles may be found among the paper files signed by slave masters who defend the reform. This must have been the result of the love of the Southerner for speculation and politics, for as slaves were more valuable than ever in 1860, personal interests would certainly not win their support for the ad valorem method. Surely if the war had not been precipitated, the ad valorem cause would have triumphed two years later, for this method of taxation was adopted by North Carolina when she entered the Confederacy. Both political parties now favored the ad valorem system, "the old Whigs because they advocated it in 1860, and the old Democrats because, the war being about slavery, discord might ensue if slaves should escape their due taxation; the latter thought the non-slave holders might not fight so readily, unless slave property, lands, etc., should be placed on the same footing."

In the "Public Laws" of 1861-62-63-64, chapter 53, it is enacted that "an ad valorem tax of two-fifths of one per cent. be levied" on (1) real estate, (2) "all slaves in the State, excepting such as the county courts may have

*Letter from John Nichols, Esq., Raleigh, N. C.

exempted, or may hereafter exempt from taxation on account of bodily or mental infirmity, to be taxed according to value, which value is to be ascertained by the same persons who assess the value of lands."

N. B.—The sources from which data and facts have been obtained are interview with Mr. Bledsoe; letters from Messrs. Pulaski Cowper and John Nichols, of Raleigh, and Judge MacRae, of Chapel Hill; newspaper files in the State Library.

W. K. B.

SAMUEL JOHNSTON IN REVOLUTIONARY TIMES.

BY T. MURRAY ALLEN.

During the period just preceeding the Revolution, North Carolina more than any other time in her history felt the need of conservative leaders. The development of the State from a colony, thoroughly dependent upon the kingdom of England to a self-supporting commonwealth, was an epoch of greatest importance, and had it been left to a too radical leadership would probably have failed. The leading party of the State at time was the Whig party and this was divided into two parts, conservative and radical.

To the conservative element of this party belonged Samuel Johnston, a statesman whose every work was for the advancement of his people, and whose influence was felt in every public meeting and in every public act of the most turbulent time in the history of his State.

Samuel Johnston was born in 1732, in Dundee, Scotland, and was the son of John Jonston and Helen Scrymour. His father, who was Gabriel Johnston, came to this country in 1736, settled in Chowan county, and was appointed Surveyor General of the Province.

Samuel's advantages of education were the best the country afforded, and at an early age he took up the study of law in Edenton under Thomas Barker. He married Penelope, the only child of Governor Eden, and resided at Hayes, a country place near Edenton.

Samuel Johnston's ability, early asserted itself, and at the age of nineteen he was appointed one of the clerks of the District Superior Court and a little later was made one of the deputy naval officers of the port of Edenton.

Even at this time, and while holding these positions under the Royal Governor; he showed plainly his ardent and unflinching advocacy of the rights of the people.

In 1765, he was a member of the General Assembly from Chowan and soon developed into a leader of that

body and showed plainly that he was destined to become a leader in the political affairs of the future.

Even at this time the colony was in a blaze of excitement and public meetings were held in all sections of the country to discuss questions of the public welfare, and a foreshadow of the inevitable revolution was beginning to cast itself over the Colony.

The people in the crisis which was soon to come must have leaders and it was to the call for these that such men as Samuel Johnston, Willie Jones, and John Harvey responded.

Samuel Johnston was ever conservative, almost to a fault in his early career and in consideration of the times he was ever mindful of the welfare of his people. However, at the outbreak of the Regulators and in their suppression, he showed plainly his sympathy for Governor Tryon, and his condemnation of the action of the people, but was soon afterwards in the opposition, promoting the movement for resistance to Governor Martin with such activity and intelligence that he was, at the death of Harvey, chosen to take his place as leader of the people.

In the Assembly of 1771, Samuel Johnston was again member from Chowan and shows as before his steady development into a wise and conservative statesman, and here shows beyond a doubt his love for and advocacy of the rights of the people. It was at a meeting of this Assembly that it was brought forth that the people had been abused in the collection of a poll and liquor tax for the redemption of a lot of "paper" that had previously been issued. Samuel Johnston introduced a bill to discontinue these illegal taxes, and it was immediately and unanimously passed, but was later vetoed by the Governor. This seeming inattention to the distresses of the people was noticed by the House and as a result a resolution was drawn up which strongly condemned the Governor, and declared that they ought to be discontinued. The Gov-

ernor dissolved the Assembly on the day this resolution was passed, and issued a proclamation charging the officers to disobey the instructions of the House and to continue the collection of the aforesaid taxes, until they should be repealed formally and according to law.

The patriotic feeling developed by the agitation of this question, says Mr. Jones in his *Defense of North Carolina*, lasted during the continuance of the royal government, and under the guidance of Johnston, Caswell and Person it soon acquired strength and boldness sufficient to assail the existence of the royal government. It was at this time and for several years following that the Governor was at continual quarrel with the popular assembly and on many occasions showed his fear of the power of that body by extending the time of its meeting from date to date and frequently adjourning it just at the point of the passage of an important act.

For several years Samuel Johnston was the representative of his county in the Assembly and during that entire period of antagonism by the Governor he always showed his opposition to the Royal Government.

In January 1773, the Assembly after much opposition by the Governor, met in New Bern, and the House at once gave note of its temper by the selection of Col. Harvey, as Speaker. It was at a meeting of this Assembly that communications ever read from the provinces of Massachusetts, Virginia, Rhode Island, Connecticut and the counties on the Delaware, proposing to establish in each province a committee of correspondence. On January 8th such a committee was appointed including among others Samuel Johnston, which shows plainly his attitude in regard to the opposition of the people to the Royal Government, and the position that he would take in the revolution fast approaching.

The outcome of these frequent clashes between the Governor and people could lead to but one end and that was

revolution. The people were restless and every effort to break up an assembly of their representatives only made them worse and brought on more rapidly the end. Colonel Harvey knew that every effort to call a meeting of the Assembly would meet with opposition from the Governor, and he realized that other steps must be taken in order that North Carolina should be represented at the Continental Congress to meet at Philadelphia.

In 1774 Col. Harvey met Willie Jones at Halifax, and it was decided that should the meeting of the Assembly at New Bern be defeated by any action of Governor Martin, a Provincial Congress should meet in place thereof, and should take steps in regard to North Carolina's representation at the National Convention. The next day Colonel Harvey met Samuel Johnston and Colonel Edward Buncombe at the latter's house and they also heartily endorsed the action advocated by Jones and the Speaker. It was now that the fear of the effects of the much popular power began to appear in Johnston's public acts and his conservatism prevailed at this meeting with Buncombe and Harvey. In the course of a letter to William Hooper, Johnston says, "He (speaking of Harvey,) seemed in a very violent mood and declared he was for assembling a Convention independent of the Governor and urged upon us to co-operate with him. He says he will lead the way and will issue handbills under his own name, and that the Committee of Correspondence ought to go to work at once, as for my part I don't know what better can be done." With the accession of these two men to his proposition Harvey felt sure of success and the ball of the revolution was set rolling in North Carolina.

The people received the proposition of Provincial and Continental Congress with enthusiasm, and this showed most plainly the state of the public mind.

About the first of July 1774, the handbills were issued, and by the first of August many of the counties had held

their elections, and on August 25th, 1774, the Provincial Assembly met at New Bern and elected John Harvey as moderator. Samuel Johnston was a member from Chowan, and, says Mr. Jones, "was eminently distinguished for his amiable virtues of private life as well as his zeal in the cause of American freedom." Mr. Johnston was placed at the head of the Chowan delegation. He was later elected moderator of the Provincial Congress to succeed John Harvey. The latter was a trying and hazardous duty, but Johnston manfully fulfilled all obligations which ascended to him from his predecessor. Johnston called his first meeting of the Assembly at Hillsboro, for the 20th day of August, 1775, and in accordance with his summons, they met promptly on that day. At this Assembly every effort was made by the members to carry with them the unanimous voice of the people and the most violent of Whig leaders showed their prudence as politicians. At this time we find Samuel Johnston and other conservative Whig leaders professing allegiance to the King but denying his authority to impose taxes and swearing to support the Whig authorities of the Continental and Provincial Congress. The mildness of this test simply tended to postpone the final outcome. On the 24th of August, this Congress declared unanimously that they would assist in the support of a Continental army, and connected with this was a resolution appointing a committee to prepare a plan for the regulation of the internal peace and safety of the Province. Samuel Johnston, president of the Congress, was appointed president of this committee. This officer was practically the Governor in the interregnum between the abdication of Governor Martin, the last of the Royal Governors, and the accession of Governor Caswell under the Constitution. This committee was the most important ever yet appointed by popular authority and achieved one of the most difficult ends of the Revolution. It substituted a regular government, resting entirely on popular

authority, for that of the Royal Government, and it annihilated every vestige of the power of Governor Martin.

The Provincial Council, consisting of thirteen members elected by the Congress became the supreme executive power of the State government and Samuel Johnston was placed at its head.

This brings us up almost to the point of the Declaration of Independence and it has been my endeavor to show Samuel Johnston's undoubted position in regard to the people and their rights. He realized more than any one else, the necessity of conservatism, and to his influence can be traced many of the good results which everywhere followed North Carolina's actions in regard to the Revolution.

On April 4th, 1776, Samuel Johnston summoned the Provincial Congress to assemble at Hillsboro, and at this meeting the important question of independence was moved, discussed and unanimously approved, a committee was appointed to draw up a report in regard to the usurpations and violences committed by the King and Parliament of Great Britain. Also some mention was made in regard to a Constitution but no deliberate action taken. However, as a result of the deliberations of this meeting, the question of a Constitution was brought boldly forward on April 13th, 1776, and Samuel Johnston, among others was appointed on a committee to prepare a civil Constitution. Within this committee was fought a most desperate battle, produced by the project of a total abandonment of the conservative principles of the British Constitution. The most important characters of the Provincial Congress were divided in opinions as to the principles of the new government, and each steadfastly conceived the safety, welfare and honor of the State to depend upon the success of his favorite schemes. From the members of the committee to draw up a Constitution the names of Samuel Johnston and Allen Jones are selected as leaders of the Conservative

party. They had made great sacrifices in the cause of the revolution. Samuel Johnston had succeeded John Harvey as the leader of the Whig party. He had published over his own name an order for the election of the Congress of August, 1775, and had been thrown forward in every crisis as civil head of the State. He had shrunk from no responsibility however heavy, from the performance of no duty however perilous, in the cause of the American revolution. His every ability, his body, his purse were at the services of his country, and he lavished these resources upon the people with all the profusion of a spendthrift. It is impossible to doubt the patriotism of such a man. But when the reckless proposition to abolish even the very elements of the British Constitution and to substitute in their stead the incoherent principle of democracy was strongly urged by a majority of the committee, he shrunk from it, fearing the unrestrained rule of the people as much as he feared the rule of a reckless monarchy. He was a lover of freedom and of the national independence of America, but he was no believer in the infallibility of the popular voice.

He had seen the rights of the colonies violated, not so much the rights of persons, but the rights of property, and it was against this that he fought most zealously. The principle of universal suffrage, the popular election of judges, and the dependence upon authority upon the will of the people at large are never heard of in the relation of North Carolina until the demagogues in the Whig party started on their career of popularity.

But Samuel Johnston was not a man of that changeable, irresolute character that leans to every gale. The whims of an ever-changing public never altered his honest conviction, he was unaffected by the clamors of the unrestrained mob led by the less conservative politicians, whose object seemed popularity and public favor rather than the welfare of the people.

His every thought was for the good of his fellow-citizens, he was an advocate of the people's honest rights, and the champion of a sound government, built upon the most solid foundations. But for the efforts of Samuel Johnston the old Whig party, would have fallen under the leadership of its more radical members, some of whom were designing and ambitious men. With Samuel Johnston the national independence of his country was the very element of his political enthusiasm and beyond this he believed in a strong government representing the property of the people and giving a character and dignity to the State. But all schemes and forms of government were as nothing to him when compared with the national independence, and with the achievement of this great object he was prepared for either a monarchy, aristocracy, or any other form of government except a rash and uncontrolled democracy. All of the Whigs of the State were for independence and there was no split in the leading party until the question of form of government came up. On either side of the debate were arranged many of the most enlightened and politic men of the State and the rivalry was always strong.

At a meeting in Halifax the question of independence was settled with a decision to empower delegates to Philadelphia to vote for a declaration against Great Britain, and with this out of the way the question of the constitution became more prominent. Mr. Johnston in his correspondence often speaks of the proceedings of the committee on the constitution. After the committee had been in session four days, he writes: "I confess our prospects are at this time very gloomy, our people are about forming a Constitution, and from what I can at present collect of their plan, it will be impossible for me to take any part in the execution of it. Members have started on the race of popularity and condescend to the usual means of success."

The Radicals soon found themselves in a majority on the committee and it was resolved to establish a purely democratic form of government.

The dissatisfaction of Samuel Johnston at such a course was well known and all feared to alienate the support of so important a personage from the new government, so they prudently consented to make terms with their defeated rival, and a compromise was effected and peace made through the efforts of Thomas Jones of the conservative party. From this date the tone of Johnston's letters to Mr. Iredell changes, and he seems to take courage in his work.

It is very evident that many concessions were made by the Radicals in order to gain the important service of his co-operation.

This committee however failed in its endeavor to form a Constitution and only a committee was appointed to draw up a form of government for use until the next meeting of the Congress. The Radicals continued to keep the name of Samuel Johnston off this committee and to exclude him from a seat in the Council of Safety which was to meet on the 11th of May.

Their inveterate opposition continued even after the adjournment of the Congress, and many of the most respectable Whigs professed to doubt the sincerity of Johnston's attachment to the American cause, and the private letters of that day show an undoubted intrigue to ruin his character as patriot and statesman.

This opposition to Samuel Johnston is best shown in the next election of members of the Congress, when every effort was put forth by the Radical party to defeat him as member from Chowan.

This object they gained and when the Congress assembled in Halifax on the 12th of November, Samuel Johnston, although present, was not there as the representative of Chowan county, but on business connected with the treasury. He took a deep interest in the questions before the Congress, and here as elsewhere, he contributed by his genius, talents and influence to preserve the conservative

character of the assembly. By means of his friends he was able to exert a large influence on the Constitution finally adopted and it is wonderful that that Constitution was so free from objection and should remain for nearly sixty years untouched and unaltered.

In 1780, Johnston was elected a member of the Continental Congress at Philadelphia and served until 1782. In 1787 he was elected Governor of North Carolina to succeed Caswell who was ineligible for re-election and in connection with this Moore says in his History of North Carolina, "For many years the serene wisdom and integrity of this distinguished man had been known and appreciated in every portion of the State. His high conservative and aristocratic views had made him unpopular at times, but no one ever distrusted his honor or judgment. As an orator he was crippled by hesitancy in his speech, but at times he could be highly persuasive and was even luminous, learned and exhaustive in his discourse. No statesman in America ever bore a more spotless reputation, and no man was more straightforward and sincere in all his words and deeds. He did not possess the versatility and genius of Caswell, but he was a profound lawyer and a long trusted leader of the most intelligent portion of North Carolina's people. He possessed great wealth and a pedigree that reached back through ages of titled ancestors in Scotland. He had out-lived the prejudices against him and the State was again lavishing as of yore her honors thickly upon him."

Mr. Johnston was an unqualified admirer of the Federal Constitution and was President of the Convention, while Governor of the State, which met at Hillsboro, on July 21st, 1788, to consider the Constitution and by which body it was rejected. He was also President of the Convention at Fayetteville in November 1789 which ratified that instrument.

Johnston was the first United States Senator from North Carolina and served from 1789 until 1793.

In February 1800, he was appointed a Judge of the Superior Court, which office he resigned in November 1803.

Mr. Wheeler, in his History of North Carolina says of him, "After enjoying every honor that the State could heap upon him, he voluntarily resigned all public employment, deeming true what the wise soldier of Charles V, when he resigned his commission, declared so necessary "*aliquid tempus interesse debet vitam nortemque*," and peacefully departed this life in the year 1816."

THE CONTRIBUTION OF THE ARCHIVE TO HISTORY.

BY J. S. BASSETT.

THE TRINITY COLLEGE ARCHIVE was established in the beginning of the college year of 1887-8. Before that time there had been a college periodical published by the students but it had been found impossible to sustain it. The misfortune which overtook this venture had made its supporters rather too conservative about understanding a new one. When I entered college in 1886 there was a general notion about the place that the college ought to have a magazine, and in the spring of 1887 this feeling somehow had taken the shape of a definite purpose. I do not remember that any official action had been taken by either of the Societies, yet so much had been said about it that when we left college in June it was with the expectation that when we returned the two societies would unite in the publication of a magazine.

On our return there was a new President, Dr. Crowell, and a new Professor of English, Professor Armstrong. Each gave hearty encouragement to the proposed magazine. Professor Armstrong, whose department was vitally concerned, gave the matter much of his time. He suggested the name ARCHIVE and it was his idea that we make it a sixteen page quarto, bound in white, somewhat after the fashion of the *New York Nation*. This dress was never very popular with the students, but it was complimented by some of the State papers. It was abandoned in 1891, after it had been used for four volumes.

The contents of the first volumes embraced few contributed articles, and of these almost none dealt with historical subjects. In 1891 Dr. Weeks became Professor of History at Trinity and there appeared a number of articles from him and from his students which are original investigations and contributions to our State history. In 1892, the Trinity College Historical Society was formed, and it created much of the spirit of research which has borne fruit in many ways in recent years. The greatest step forward in the history of

THE ARCHIVE was taken when it fell into the hands of the class of 1896. The preceding year there had been certain serious discouragements and this class came to the task with a determination to make a success out of it. They planned to double the number of the pages hitherto printed and to use a better quality of paper. They set themselves, however, above all things to improve the character of the contributions. The majority of college publications in the South have been filled with colorless college compositions or orations, and from this fault THE ARCHIVE had not been free. The Class of 1896 took the position that when a student wrote for his magazine he should write something worth reading, or should at least attempt it. With a view to this end work was planned and subjects were assigned. It was then that the Historical articles in THE ARCHIVE took on a character higher than ever before. The standard then set has been held by succeeding editors, and it has thus come about that no other publication now published contains so many original articles on North Carolina history. In 1896 arrangements were made to reprint certain of these articles in a series known as The Annual Publication of Historical Papers of Trinity College, four series of which have appeared.

In view of this activity the following bibliographical summary has been made. It embraces all the articles of an original nature which have appeared in THE ARCHIVE. Not all of these were prepared under the direction of the department of History. Many of them were published also in the Historical Papers; and in such cases they have been marked with the letters H. P. with a Roman numeral to indicate the series.

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BILL ARP.

BY D. W. NEWSOM.

In the days when the ire of the Irishmen waxed warm in the hope of tearing loose from England, young Robert Emmet, spurred by a vision of freedom, attempted to arouse an insurrection at Dublin. But the battle of Vinegar Hill had somewhat soured the spirit of Irish rebellion, and the young Emmet, after creating a tumult of a few hours, was taken prisoner, tried, and hanged. It was during this tumult that the Scotch-Irish parents of Caroline Ann Maguire fled from their native home in old Ireland for a new home in the western world. They settled in Charleston, South Carolina. It was there that Caroline Ann was born, and it was she who was to become mother of Major Charles H. Smith, more familiarly known by us Southerners as "Bill Arp."

In the year 1815, when the yellow fever pestilence spread over Charleston, Caroline Ann was then a maid of seven summers, and her only brother, James, was two years older than she. Their father and mother had fled from rebellion in Ireland only to fall the victims of a deadly fever in a far away land, amid strange people. They both died the same day, and were buried in the same grave. In a vast new country, an orphan brother and sister were left alone, to cherish the memory of loving parents, and the dream of the old Irish home over the sea. But the crown of sorrow was yet to come. During the panic the brother and sister became separated. James was sent to Boston on a sail vessel, while his sister was sent to Savannah, Georgia. Each was placed in an orphan asylum, and during the lapse of fourteen long years they sought to find each other, yet sought in vain. But how good are the ways of Providence! James was taken from the asylum by a good man, grew to years of manhood, and married the good man's only daughter. His sister was taken from the Savannah

asylum by a wealthy widow living in Liberty county, and was given the advantages of school. The school she attended was taught by a young man, Asahel Reid Smith. Young Smith became attached to this sweet orphan girl, felt the current of his being set towards her, told love's old sweet tale, and they were married while she was still his pupil. Smith made every effort possible to assist his young wife in finding her lost brother, but finally abandoned all hope. That lost brother had also spent many a weary day and night searching for the lost sister. He visited Charleston twice in the hope of getting some clue to her whereabouts, but he too must suffer the bitterness of disappointment and despair. Both the sister and brother had placed advertisements in Northern and Southern newspapers, but no answer ever came from them. The brother knew that somewhere he had a sister, an only sister, and all that made life bearable to him in this vast new country, was the hope that some day he should look into those tender eyes again, and catch something of the memory of other days. He wondered how she would look, and whether they would know each other. In his quiet moments he pictured her to himself as a full-grown woman, yet with all the gentleness, modesty, love and fidelity of a true sister. Has she found any young life to love, and to love her! Would to God I could know whether she is comfortable and happy! Shall I ever see her again, or can it be that somewhere in this great land, grief shall wear her tender life away, and I be left without a tie to bind me to a world of sorrow and separation! Such thoughts must have crowded and wearied the hours. As the years passed on, children were born to each of them, and were growing up. Finally, in the year 1833, when Major Smith, our "Bill Arp," was seven years old, his father made one more effort to find the wife's lost brother. He advertised in a Boston paper, and the advertisement was seen and answered by her brother James. The answer

was written in tears of joy, and is still a sacred treasure in the family. James boarded the first vessel bound for Savannah, for there were no railroads in those days, and in due time landed there, taking a steamboat then to Augusta, and thence by stage 170 miles, to Lawrenceville. "Bill Arp" loves to tell about the joyful meeting, for indeed it must have been a scene full of tearful joy, and one that memory can never lose. From that time until death separated them, they visited and revisited, and were happy in each other's love. A kind Providence had kept watch over them, to bring them face to face again.

And so our "Bill Arp," born in Lawrenceville, Gwinnette county, Georgia, June, 1826, claims to be the boy, the only boy, about the house, but he delights to tell about those visits from Georgia to Massachusetts, sixty-five and sixty-seven years ago, and how, in 1834, his parents and his brother went to Boston in a sail vessel from Savannah, and in passing Cape Hatteras, well-nigh shipwrecked, and would not risk the sea on their return, but his father bought a carriage and a pair of good horses, and the family came all the way to Georgia by land and never crossed a railroad, for there were none to cross.

"Bill Arp" grew to manhood in the village of Lawrenceville. His father was Asahel Reid Smith, a native of Windsor, Vermont, whose grandsire, Asahel Reid, was killed at the battle of Lexington, 1776. When twenty-two years of age, his father went to Georgia to teach school, after having acquired a good education in Massachusetts. He taught for several years in Liberty county, not far from Savannah.

During the Civil War "Bill Arp" served in the Army of Northern Virginia, in 1861-2, as Major on the staff of General Barton, who was killed at Manassas, and after his death, was transferred to his successor, General G. T. Anderson. In 1863 he was ordered by President Davis to go to Macon, Georgia, and assist Judge Nesbit in organiz-

ing a Military Court to try some prisoners charged with treason. At a later date he was appointed Judge Advocate of a Military Court at Rome, Georgia.

He claims to be a cross between Massachusetts and South Carolina, with a rebellious strain of Scotch-Irish blood in his veins. As did most boys of those times, he received his share of education in the school of manual labor. He attended college at Athens, Georgia, where he attained some honors in his class, and, as is not unusual with college boys, fell in love with a "Maid of Athens," and sang the old song with something of Byronian fervor. But he found a more willing mate in his own town, and wedded a lassie of sweet sixteen, Mary Octavia Hutchins, the beautiful, hazel-eyed, and black-haired daughter of Hon. N. L. Hutchins, the Judge of the Circuit Court.

Out in the suburbs of the pleasant town of Cartersville, in north Georgia, may be seen "Bill Arp's" home, a stately, old-time mansion overlooking the country round about. Facing this mansion is a large grove, where grows many a stately oak. In the distance, hills and valleys alternate, and fast-flowing streams go by in endless song. No fence surrounds the mansion, no gate stands latched against the stranger, no unfriendly dog bids defiance. Everything breathes the air of hospitality. "Bill Arp" keeps open house as in the olden time, and all who come are welcome. On the facier of his parlor mantle are painted in golden colors, the words, "The ornaments of this house are the friends who visit us." "Bill Arp" is truly a home-builder and a home-lover. His wife is his sight-tower, his main stay, and the tributes he pays to her are the charm of his domestic letters. She is a model housekeeper, a loving mother and grandmother. During the Civil War she was a refugee, and had an anxious experience in fleeing from the invader. When asked her age, she replies: "That depends upon whether I count the war in, or out, or double the four years of trouble; but I

am now nearly seventy." With all these years, her Pocahontas hair is as black as ever, and she seldom sits down to rest. It is the boast of "Bill Arp" that he has always been loyal and true to his wife. Not long since, a matron rode five miles to see and hear him, for she said she wanted to see one man who was brave enough to admit that he was a subdued and obedient husband.

He has a tender and intense love for children, and is a man whom children love instinctively. He explains his love for children by saying: "I am one of ten, and my wife was one of ten, and we have ten and they have twenty, which makes fifty in all that we have had to mingle with." In his home, six sons and four daughters have long since come to maturity, and though they are scattered from New York to Mexico, and from Florida to San Antonio, they still love the old folks at home, and often come together under the old roof to talk and live over the old days—those days of long ago, that are the treasure of both parent and child, so resplendent with the fulness of hope, sympathy and love. Such a home is a poem in itself. The very name brings thoughts and feelings that lie dearest to the human heart. To it fancy looks back from the turbulence of years, when the vocations of life have dispersed its inmates and weakened the connection of earlier years, and nothing in the ordered universe appears so full of simple joy, of hallowed worth—yea, so rich in all that is dear to human life! And so our "Bill Arp" feels a sadness as he sees these large families fade away. Still, he realizes as the years go by, that those stately oaks, the colonial mansion, hills, valleys and streams do not, after all, make his true home. No surveyor's chain and compass set its limits, but it is embowered amid human hearts.

As a college boy, he organized and became editor of a college paper that kept the boys in a ferment of fun and expectation. After he married, he studied law for two months, and was admitted to the bar on a promise of con-

tinuing his studies. Soon after this he removed to Rome, a new and thrifty town, and put on the airs of a veteran lawyer. There he pursued his profession diligently for twenty-seven years, and a number of times was Mayor or Alderman. Often he indulged his critical and humorous pen over the signature of "Sam McCrackin," a witty old Irish well-digger, but not until the spring of 1861 did he assume the nom de plume of "Bill Arp." He informs me that this came about in the following manner:

"Some time in the spring of 1861, when our Southern boys were hunting for a fight, and felt like they could whip all creation, Mr. Lincoln issued a proclamation ordering us all to disperse and retire within thirty days, and to quit cavorting around in a hostile and belligerent manner.

"I remember writing an answer to it as though I was a good Union man and a law-abiding citizen, and was willing to disperse, if I could, but it was almost impossible, for the boys were mighty hot, and the way we made up our military companies was to send a man down the lines with a bucket of water and sprinkle the boys as he came to 'em, and if a feller sizzed like hot iron in a slack trough, we took him, and if he didnt sizz, we didnt take him; but still, nevertheless, notwithstanding, and so forth, if we could possibly disperse in thirty days, we would do so, but I thought he had better give us a little more time, for I had been out in an old field by myself and tried to disperse myself and couldnt do it.

"I thought the letter was right smart, and decently sarcastic, and so I read it to Dr. Miller and Judge Underwood, and they seemed to think it was right smart, too. About that time I looked around and saw Bill Arp standing at the door with his mouth open and a merry glisten in his eye. As he came forward, says he to me: "'Squire, are you gwine to print that?"

“‘I reckon I will, Bill, said I. ‘What name are you gwine to put to it?’ said he. ‘I don’t know yet,’ said I; ‘I havent thought about a name.’ Then he brightened up and said: ‘Well, ’Squire, I wish you would put mine, for them’s my sentiments;’ and I promised him that I would.

“So I did not rob Bill Arp of his good name, but took it on request, and now, at this late day, when the moss has covered his grave, I will record some pleasant memories of a man whose notoriety was not extensive, but who brightened up the flight of many an hour in the good old ante bellum days.

“He was a small, sinewy man of 135 pounds, as active as a cat and always presenting a bright and cheerful face; and was as brave a man as nature ever makes.

“He was an humble man and unlettered in books; never went to school but a month or two in his life, and could neither read nor write; but still he had more than his share of common sense; more than his share of good mother wit, and was always welcome when he came about.

“Lawyers and doctors and editors, and such gentlemen of leisure who used to, in the olden time, sit around and chat and have a good time, always said, ‘Come in, Bill, and take a seat;’ and Bill seemed grateful for the compliment, and with a conscious humility squatted on about half the chair and waited for questions. The bearing of the man was one of reverence for his superiors and thankfulness for their notice.

“Bill Arp was a contented man—contented with his humble lot. He never grumbled or complained at anything; he had desires and ambition, but it did not trouble him. He kept a ferry for a wealthy gentleman, who lived a few miles above town, on the Etowah river, and he cultivated a small portion of his land; but the ferry was not of much consequence, and when Bill could slip off to town and hear the lawyers talk, he would turn over the boat and the poles to his wife or his children, and go. I have known

him to take a back seat in the court house for a day at a time, and with a face all greedy for entertainment, listen to the learned speeches of the lawyers and charge of the court, and go home happy, and be able to tell to his admiring family what had transpired. He had the greatest reverence for Colonel Johnston, his landlord, and always said that he would about as leave belong to him as to be free; 'for,' said he, 'Mrs. Johnston throws away enough old clothes and second-hand vittels to support my children. and they are always nigh enough to pick 'em up.'"

Among Southern writers, "Bill Arp" occupies a place unique and interesting, and all his utterances are thoroughly original in their good sense and good humor. The seventy-five years of his life have been full of varied experiences, and to sit and listen as he calls back the good old ante-bellum days, rekindles the fires that animated the Blue and the Gray in those days when it was bliss to be alive, and pictures the period of the Reconstruction, one feels himself transplanted to places enchanted; and though there is a pathos that comes with his story of the decay of the old aristocracy, his story of the rise of the common people brings a sense of comfort.

His years are rich in faith, rich in hope, and rich in charity. Away back in the olden days he had faith in God, faith in his fellow-man, and faith in his country. Throughout the years, amid the troubled movement of events, this faith has abided, steadfast and unyielding. It looked across the years and exulted in the enormous growth that should crown this new century, and to-day it glimpses the largess of days that are yet to be.

"Bill Arp" is a man of hope, and the world instinctively covets the association of the hopeful man, because he is the strong man, faithful and brave. Such a man cannot have mean or ignoble thoughts about himself or his fellow-man. He is not ignorant of the sorrow and suffering to

which the generation of man is heir, but his eyes are turned towards the infinite, and his soul claims kinship with things eternal. Such a man finds no sorrow, because he looks for none. If he cannot be a Socrates he will love study none the less; if he cannot be a Milo he takes none the less pride in the care of his body; if he can never hope to be a Cræsus, still he toils none the less faithfully. Passing events and the flight of years lay no cares upon his life, for years are not the measure of his life. In the spirit of true philosophy, he meditates: "I must die. Must I then die lamenting? I must be put in chains. Must I then also lament? I must go into exile. Does any man then hinder me from going with smiles and cheerfulness and contentment? You may fetter my leg, but my will not even Zeus himself can overpower." Such a life is like the song of a plowboy, it is twice-blessed; it blesses him who sings and him who hears. Amid a world of busy men, that is a valuable spirit which lifts itself above the perturbations, misfortunes, disappointments, and groans, and instead of murmuring, "Wretched am I, an old man: have I kept my gray hairs for this?" exclaims, "Dear Crito, if it is the will of the gods that it be so, let it be so!"

Hope brings cheer. Whoever saw "Bill Arp" when he was not cheerful? Whoever heard him sorrow or complain? Unlike the Persian poet who continually complained because he had no shoes to wear, "Bill Arp" is thankful that he has feet. Whatever may be to-day's task, he goes about it with the light-heartedness of youth, and his delight in every duty is philosophic. If genius is the capacity for taking infinite pains, then "Bill Arp" is a prodigy. Ofttimes, as I have read his letters, have I been impressed with the accuracy with which he sees every detail of human life, and the common everyday occurrences that pass before us unnoticed, become interesting, attractive, and instructive when he talks about them. He has

eyes that see, ears that hear, and a heart that feels, and everything that God has made, to him has something of interest. He enjoys life, and knows how to make others enjoy it. A few good men have blessed the world with their fortunes, but he has blessed men by scattering into their life faith, hope, love and cheerfulness.

Though Major Smith has passed the allotted years of man, being in his seventy-fifth year, his eyesight is not dimmed, nor his mental powers abated. Old Father Time has mellowed him down into the love of the Southern people. In introducing him recently to a Mississippi audience, a college professor said: "I cannot say that 'Bill Arp' is the greatest man of the South, nor the best man, but I will say that he is the best loved man in all our Southland." What a blessed compliment was that!

Forty years ago he began to write his weekly letters for the Southern press, and during all these years he has hardly missed a week in dispensing good cheer, good advice, and good philosophy to the Southern people. His letters are printed in more than 700 weekly papers. Verily we Southern boys have grown up under his tuition, and though our files contain more than 2,000 letters from his pen, we are always glad to hear from him, and it is our hope that the years will deal gently with him, and fill his declining days with all that is rich and hallowed.

**SOME NEW MATTER RELATING TO THE MECKLENBURG
RESOLUTIONS—MAY 31, 1775.**

BY J. S. BASSETT.

My attention was called during the past summer to a document which has an important bearing on the controversy long waged around the Mecklenburg resolutions. Although this matter has been in print since 1895, it has never before been under my observation, and I have never seen it referred to in any discussion of the said resolutions. It will, therefore, be useful to call the attention of ARCHIVE readers to it.

From 1772 till 1775 Lord Dartmouth was English Secretary of State for the Colonial department. As such it was his business to receive the official reports of the various higher officers in the English colonies. These reports were preserved in the Public Rolls Office, in London, and in recent years they have been admirably arranged and calendared by the Royal Commission on Historical Manuscripts. The activity of this commission has continually brought to light important documents which in one way and another have for a long time been lost sight of. In its investigations it found, a few years ago, a large number of official documents in the possession of the Dartmouth family. They were examined and many of them proved to be letters and other colonial reports addressed to the earl whom I have just said was a Secretary of State from 1772 till 1775. The Royal Commission turned these over to Mr. B. F. Stevens, a reliable English student of documents relating to the colonies, with instructions that they should be calendared. The result was a volume of 673 pages on the American documents, and this appeared in 1895. It is known as *The Fourteenth Report, Appendix, Part X., Historical MSS Commission; The MSS of the Earl of Dartmouth, Vol. II.*

On page 323 of this volume is an abstract of a letter from Governor Josiah Martin, of North Carolina, to Dart-

mouth, dated June 30, 1775. This letter was received by Dartmouth, September 10, 1775, and was a duplicate of another letter. It happened that the original letter has been preserved in the Public Rolls Office, and it is printed in the Colonial Records of North Carolina, Volume X., p. 41. In it Martin uses the often quoted expression: "The Resolves of the Committee of Mecklenburgh, which your Lordship will find in the enclosed newspaper, surpass all the horrid and treasonable publications that the inflammatory spirits of this continent have yet produced." This expression has been said to refer to the 20th of May resolutions. The Public Rolls Office, it is said, once contained the newspaper to which Martin referred; but it has long been lost. The value of these newly calendared papers is that the abstract of this duplicate letter supplies this loss. From the endorsement on it we learned that the letter contained three enclosures, two of which have been preserved. One of these two is the long lost Mecklenburg resolutions to which Martin referred. Mr. Stevens's abstract which relates to this enclosure is as follows:

"N. D. [1775, May 31.]—Resolutions (20) of a Committee of the County of Mecklenburgh in North Carolina. Signed at Charlotte Town, by order of the Committee, Ephraim Brevard. Suspending all laws and commissions given by the crown and proposing measures to establish a government for the province. 4 folio pages. Endorsed: In Govr. Martins of the 30 of June, 1775, No. 34."

Of the three enclosures in Martin's letter, one was the minutes of a meeting of the council, June 25, 1775; another was the resolutions to which I have referred; the other was a proclamation by the governor.¹ Thus it is

¹ The other enclosure preserved in the Dartmouth papers is the minutes of the Council of North Carolina for June 25, 1775. The third enclosure is missing, but it is clear from the letter with which the enclosures were sent that it was a proclamation issued by Governor Martin. (See N. C. Col. Recs. X., 45.)

evident that the Mecklenburg resolutions to which the governor referred were those in the enclosure. The fact is of great importance in the controversy. These resolutions, it will be seen, are those of May the 31st, 1775, about which there has been no controversy. Why did not Martin send the 20th of May resolutions? The answer must be that he knew nothing about them. Why did he know nothing about them? He knew about the resolutions of May 31. Would he not, also, have known about the more radical resolutions of May 20, if they had been passed? It will be remembered, also, that Martin says in the letter of June 30, that the Mecklenburg committee sent an express to the Congress at Philadelphia with the resolutions adopted. Local tradition says that Captain Jack took the resolutions of May 20 to the Congress at Philadelphia. By the preservation of this enclosure it is evident that Martin means to say that the 31st of May resolutions were sent to the Congress. Does this not prove that local tradition, when it referred to the May 20 resolutions, really confused them with the authentic May 31 resolutions?

In this connection it is worth while to recall another point made against the May 20 resolutions a few years ago. It will be remembered that Governor Martin, in a proclamation of August 8, 1775, referred to resolutions of "a Committee for the County of Mecklenburg most traitorously declaring the entire dissolution of the Laws of Government and Constitution of this country and setting up a system of rule and regulation repugnant to the Laws and subversive of His Majesty's Government." Now this proclamation came before the Provincial Congress which met at Hillsborough, August 20, 1775. That body passed a resolution that the said proclamation of the governor "is a false, scandalous, scurrilous, malicious, and seditious Libel, tending to disunite the good people of this province, and to stir up Tumults and Insurrections, dangerous to the

peace of His Majesty's Government, and the safety of the Inhabitants, and highly injurious to the characters of several Gentlemen of acknowledged Virtue and Loyalty; and further, that the said paper [proclamation] be burnt by the common Hangman." This resolution was passed unanimously. In this Congress Mecklenburg county was represented by Thomas Polk, John Phifer, Waightstill Avery, Samuel Martin, James Houston, and John McKnitt Alexander. The majority of these are associated with the Committee which prepared the Mecklenburg resolutions. They were stern Presbyterians. When they voted that the charge of Martin was false they probably spoke the truth. If the 20th of May resolutions had been passed they could not have truthfully voted for the resolutions at Hillsborough, nor could any one else in the Congress have so voted who had taken the trouble to inquire about the facts.¹

Thus two blows are dealt the 20th of May resolutions. 1. Martin knew nothing about them on June 30, 1775, and the resolutions to which he referred in the letter of that date were those of May 31. 2. Thomas Polk, John McKnitt Alexander, Waightstill Avery and others knew nothing of them on August 25, 1775, when the above resolution was passed in the Provincial Congress. As the years go by more and more evidence will come out on this and other unsettled phases of our history and we shall at last know the truth, which is all that any of us can demand. To the acquisition of the truth let us proceed with unfaltering effort and without bitterness.

¹ See N. C. Col. Rec. X., 144, 164, 180. The facts referred to above became the subject of a controversy between Mr. W. W. Henry, of Virginia, and Dr. George W. Graham, of Charlotte, N. C.; but the latter cannot be said to have destroyed the arguments of the former. (See Va. Mag. of Hist. and Biog. IV., 111, 224 and 334.)

